

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIUS D. HUFF,

Petitioner,

vs.

B. CURRY, Warden,

Respondent.

No. C 08-0297 PJH (PR)

**ORDER GRANTING LEAVE
TO PROCEED IN FORMA
PAUPERIS AND DISMISSING
PETITION
WITH LEAVE TO AMEND**

Petitioner, a California prisoner currently incarcerated at the Correctional Training Facility, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also requests leave to proceed in forma pauperis.

The petition attacks denial of parole, but petitioner does not make clear which parole decision he wishes to attack. In his issue one he refers to a parole decision on December 13, 2005, and in issue three to a decision on February 21, 2007. He does not say which parole denial is the subject of his second issue.

Petitioner cannot combine attacks on different parole denials in one petition. The petition will be dismissed with leave to amend to clarify which parole denial is at issue, and to delete any issues which do not apply to the parole denial petitioner elects to make the subject of this case.

CONCLUSION

1. Petitioner's motion for leave to proceed in forma pauperis (document number 2 on the docket) is **GRANTED**.

2. The petition is **DISMISSED** with leave to amend within thirty days of the date this order is entered. The amended petition shall be on the court's form, include the caption

1 and civil case number used in this order and carry the words AMENDED PETITION on the
2 first page. Failure to amend within the designated time will result in the dismissal of the
3 case. The amended petition shall be directed to only one parole denial, and petitioner must
4 make clear which one that is.

5 3. Petitioner must keep the court informed of any change of address and must
6 comply with the court's orders in a timely fashion. Failure to do so may result in the
7 dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure
8 41(b). *See Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997) (Rule 41(b) applicable
9 in habeas cases).

10 **IT IS SO ORDERED.**

11 Dated: January 24, 2008.



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIUS D. HUFF,
Plaintiff,

Case Number: CV08-00297 PJH

CERTIFICATE OF SERVICE

v.

B. CURRY et al,
Defendant.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 25, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Demetrius D. Huff J-33362
CTF- Soledad
P.O. Box 689
Soledad, CA 93960

Dated: January 25, 2008

Richard W. Wieking, Clerk
By: Frank Justiliano, Deputy Clerk